

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
ELKINS**

DENNIS HERB PICKERING,

Plaintiff,

v.

**Civil Action No. 2:13-CV-43
(BAILEY)**

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation of United States Magistrate Judge John S. Kaull [Doc. 16] dated April 10, 2014. Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, failure to file objections to the magistrate judge's proposed findings and recommendation permits the District Court to review the recommendation under the standards that the District Court believes are appropriate, and under these circumstances, the parties' right to *de novo* review is waived. See **Webb v. Califano**, 468 F. Supp. 825 (E.D. Cal. 1979). The docket reflects that service was accepted on April 10, 2014. No objections have been filed. Accordingly, the report and recommendation ("R & R") will be reviewed for clear error.

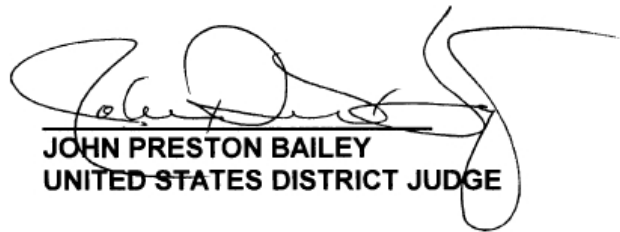
Upon review of the R & R and the record, it is the opinion of this Court that the Magistrate Judge's Report and Recommendation [**Doc. 16**] should be, and is, hereby **ORDERED ADOPTED** for the reasons more fully stated therein. Accordingly, the Defendant's Motion for Summary Judgment [**Doc. 13**] is **GRANTED**, and the Plaintiff's

Motion for Summary Judgment **[Doc. 10]** is **DENIED**. This matter is hereby **DISMISSED** and **ORDERED STRICKEN** from the active docket of this Court. The Clerk is **DIRECTED** to enter a judgment in favor of the defendant.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record.

DATED: April 30, 2014.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE